

Filed: August 3, 2006
Staff: Trever Parker
Staff Report: August 9, 2006
Hearing Date: August 16, 2006
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2006-13

APPLICANT (S): Trinidad Museum Society

AGENT: NA

PROJECT LOCATION: Western portion of the vacant lot behind the Chevron Station at the intersection of Main Street and Patricks Point Drive.

PROJECT DESCRIPTION: Design Review, Grading Permit and Coastal Development Permit to import approximately 2500 cubic yards of topsoil and conduct other site preparation activities to accommodate proposed landscaping.

ASSESSOR'S PARCEL NUMBER: 042-051-34

ZONING: PR – Public and Religious

GENERAL PLAN DESIGNATION: PR – Public and Religious

ENVIRONMENTAL REVIEW: The project is categorically exempt from CEQA per §15304 of the CEQA Guidelines exempting minor alterations to land, including grading and filling.

APPEAL STATUS:

Planning Commission action on a Coastal Development Permit, Design Review, a Variance or a Conditional Use Permit application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is **X** **is not** appealable to the Coastal Commission per the requirements of §30603 of the Coastal Act.

SITE CHARACTERISTICS:

The entire property is a large parcel, 3.2 acres near the entrance to town within the central business area and main commercial activity center. The property has been donated to the Humboldt North Coast Land Trust by the Saunders for use for a City Park, Museum and the Trinidad Branch of the Humboldt County Library. The Museum Society has an easement with the Land Trust for the location of a building to house the museum. The Land Trust also has an easement with the City for the location of a City Park. There is also room on the site to place a building to house the Trinidad Library in the future.

The lot is currently vacant. Surrounding land uses include a Chevron station and other commercial development to the south, Patricks Point Dr. and Hwy 101 to the east, a vacant Planned Development (mixed use) parcel to the west and a residence and the Trinidad Cemetery to the north and northwest. The project site is generally flat, except where the fill ends, it drops off substantially to the southwest. Except for low-growing weeds, the site is unvegetated. No trees, streams, wetlands or structures exist on the property. However, there is an Alquist-Priolo Fault Zone on the northern portion of the property that is unsuited for building placement due to geologic hazards. This area has been delineated by a geologist according to State standards, and the unbuildable area is shown on the site plan. Prior to the construction of Hwy 101, decades ago, there was a gully on the site that was subsequently filled with up to 18' of compacted soil during construction of the freeway and gas station. The only place on site suitable for a leachfield is on the northern portion where native soils still exist, and this area has been delineated as such. The site is close to the central portion of town, including public transportation, and within walking distance of the Trinidad Elementary School.

STAFF COMMENTS:

Approval for moving the Historic "Underwood House" on to the subject property for use as a museum and other site improvements were approved by the Planning Commission in April 2006. Although generalized landscaping and soil amendments were included as part of that project approval, the magnitude of the fill was not known, and a Grading Permit was not issued. Grading, including filling and/or excavation, of more than 1000 sq ft of surface area or more than 50 cubic yards (cu yd) of material requires a Grading / Coastal Development Permit; changing land contours also requires Design Review. The applicant has submitted a project description that describes the project and provides some background information. A site plan showing the three landscape, or garden areas has also been provided.

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The zone change for the property from Commercial (C) to Public and Religious (PR) has now been approved and certified by the Coastal Commission, making that change final. The purpose of the PR Zone is to accommodate public and religious uses. The

Zoning Ordinance (§17.48.010) states that: *“Any public and religious facility should be compatible with nearby uses and be located on streets which offer convenient access.”* The project site is consistent with this guideline, and is an ideal location for such a project. It is located near the main intersection and entrance to town. Nearby uses are mostly commercial. The site is large and within walking distance of Trinidad Elementary School. Much of the site is not developable for buildings because of topography, the Chevron Station leachfields and the Alquist-Priolo Fault Hazard Zone, so a City Park and the landscaping, as proposed, are ideal uses for this location. Public Parks, Museums and Libraries are all principally permitted uses in the PR Zone (§17.48.020).

There is no specific minimum lot area for the PR Zone other than what is needed to accommodate the use and septic system; the large, 3.2-acre project site meets this criteria. There is no maximum density. Minimum yards, maximum height and other regulations do not apply to this project. There are no utilities or street improvements associated with this portion of the project.

The Trinidad General Plan and Zoning Ordinance protect importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Because of the project's nature and location, there is little potential for view impacts.

SLOPE STABILITY:

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan.

ALQUIST PRIOLO ZONE:

This issue has been addressed adequately through previous studies and past approvals. The grading will not result in structural development subject to Alquist-Priolo regulations.

SEWAGE DISPOSAL:

Sewage disposal has also already been addressed through past project approvals. There is no sewage disposal system associated with the grading project.

LANDSCAPING AND FENCING:

No tree removal is proposed. Native trees and other landscaping will be planted as described in the project description. Trees must be maintained at less than 20' in height because of an easement on the property. No fencing is proposed to be removed or added at this time. The landscaping areas have been shown on the site plan. A condition of approval was included as part of the last approval that the applicant must submit a specific Landscape Plan, including a species list, to be approved by the City

Planner prior to final sign-off on the building permit; this condition still applies. Examples of species are given in the project description.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

The project meets the definition of 'Development' and therefore requires Design Review and View Protection Findings to be made as well as approval of a Coastal Development Permit per §17.60.030 of the Zoning Ordinance. Recommended Design Review/View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: The project is located on a previously filled area, where the natural contours and landforms have already been substantially altered. Because of the existing fill on the site, there is not an adequate medium for plant growth, necessitating the addition of topsoil. The site will remain relatively flat.
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project site is not in or adjacent to any open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: No construction is proposed as part of this project.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: The purpose of this project is to provide a medium for plant growth to integrate the new development that will be occurring.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No on-premise signs are proposed at this time.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible*

route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials. Response: No utilities are required for this project.

- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
- 1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.*
 - 2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*
- Response: No buildings are proposed as part of this project.

View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project will not generally be visible from any beach, trail or open space area. It will be somewhat visible from portions of Trinidad Head, but will not stand out against existing development.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: No structures are proposed as part of this project.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.* Response: No structures are proposed as part of this project.

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The proposed project is not within 100 feet of the Tsurai Study Area, Holy Trinity Church or the Memorial Lighthouse. The lot on which the project is located is within 100' of the Trinidad Cemetery. This project will not significantly affect public views to or from the Cemetery. The Cemetery is more than 100' feet from the main project areas and within a wooded area, so grading and planting will not crowd it or detract from its distinctiveness or subject it to hazards.

STAFF RECOMMENDATION

Based on the above analysis, the proposed project can be found to meet the Design Review / View Protection requirements, and sewage disposal requirements. Provisions of the Zoning Ordinance and General Plan can be met. If the Planning Commission agrees with staff's analysis, and the public does not bring up additional issues, the proposed motion might be similar to the following:

Based on the information submitted in the application included in the staff report and public testimony, I move to adopt the information and findings in this staff report and recommend approval of the project as conditioned below:

Alternative Motion for Denial

If the Commission does not agree with staff's analysis, or if the public presents evidence that conflicts with the findings contained in this staff report, the Commission may choose to deny the project. If the Commission does decide to deny the project, the denial should be based on specific findings that can not be made. The Commissioners should specifically state the reasons for denial and which finding(s) can not be made. A motion could be similar to the following:

Based on public testimony and information included in the application, I find that Design Review/View Protection Finding(s) "---" can not be made because ---, and I move to deny the project.

PROPOSED CONDITIONS

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: Applicant to verify prior to placing fill and during grading activities.*
2. Based on the size and funding source(s) needed for this project, design review approval is for a two-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: Applicant to verify prior to placing fill and during grading activities.*
3. The City Engineer shall review and approve the grading plan per §15.16.070 of the City's Grading Ordinance prior to any fill being brought on site. Any recommendations or conditions of the City Engineer will also have to be met. *Responsibility: Applicant to verify prior to placing fill and during grading activities.*
4. Construction related activities are to occur in a manner that does not impact the integrity of the primary or reserve sewage disposal areas. The leachfield area shall be stacked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The builder will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the conditions compliance folder. *Responsibility: Applicant to verify prior to placing fill and during grading activities.*
5. Grading activities shall be carried out between the hours of 8:00 a.m and 5:50 p.m. Equipment and materials on the site should be used in such a manner as to avoid excessive noise. *Responsibility: Applicant to verify prior to placing fill and during grading activities.*
6. All graded surfaces shall be wetted, protected, contained or otherwise controlled in such a manner as to prevent a nuisance from dust or spillage. *Responsibility: Applicant to verify prior to placing fill and during grading activities*
6. Grading activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to account for water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
 - a. Limiting sediment loss resulting from construction
 - b. Limiting the extent and duration of land disturbing activities

- c. Replacing vegetation as soon as possible
- d. Maintaining natural drainage conditions

Responsibility: Applicant to verify prior to placing fill and during grading activities.

- 8. No slopes greater than 1.5 horizontal to 1 vertical will be created. *Responsibility: Applicant to verify prior to completing grading activities.*
- 9. Application shall submit a landscape plan for approval by the City Planner. *Responsibility: Building Official to verify prior to final sign-off of the building permit. (From the approval for Museum Society 2006-04)*